

The House Committee on Public Safety & Homeland Security offers the following substitute to SB 253:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 25-10-1 of the Official Code of Georgia Annotated, relating to definitions relative to the regulation of fireworks, so as to provide a definition of the term 'indoors'; to amend Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions applicable to the Department of Public Safety, so as to authorize the commissioner of the Department of Public Safety to issue permits to firefighters for the use of flashing emergency lights under certain circumstances; to provide for rules and regulations and limitations on the use of flashing emergency lights by firefighters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 25-10-1 of the Official Code of Georgia Annotated, relating to definitions relative to the regulation of fireworks, is amended by revising subsection (a) as follows:

"(a) As used in this chapter, the term:

(1) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(2) 'Indoors' means within a building or an enclosed structure or beneath any structure used for sheltering any use or occupancy.

(3) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner.

~~(3)~~(4) 'Pyrotechnics' means fireworks."

## SECTION 2.

Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions applicable to the Department of Public Safety, is amended by adding a new Code section to read as follows:

"35-2-15.

(a) A fire department may submit to the commissioner an application requesting permission for its off-site firefighters to use flashing emergency lights for purposes of responding to a fire emergency. Such application shall be reviewed by the department and the department shall have discretion whether to issue a permit for the use of flashing emergency lights based on standards established by the department.

(b) The commissioner shall issue rules and regulations relating to the issuance of permits pursuant to this Code section and shall provide application forms for such purposes. The department shall provide for the suspension and revocation of a permit in the event the permit is misused or for such other reason as established by rule and regulation of the department. The department shall have authority to fine any firefighter or fire department in an amount not to exceed \$1,000.00 per violation for any violation of the department's rules and regulations.

(c) Flashing emergency lights shall not be permitted for any use except responding to a fire emergency or to a fire station for the purpose of responding to a fire emergency. Flashing emergency lights shall not be used unless such firefighter is officially authorized to make such a response.

(d) Individual firefighters shall be personally liable for any damages caused or incurred as a result of using emergency flashing lights and no liability shall be placed on any state, county, municipal, or consolidated government entity as a result of any accident or injury resulting from a firefighter's response using flashing emergency lights.

(e) Fire departments making application on behalf of their firefighters shall instruct those approved of state laws and rules governing proper usage of lights.

(f) The department is authorized to charge an application fee in an amount not to exceed \$45.00 per permit."

57 **SECTION 3.**

58 This Act shall become effective upon its approval by the Governor or upon its becoming law  
59 without such approval.

60 **SECTION 4.**

61 All laws and parts of laws in conflict with this Act are repealed.